



RECEIVED

NOV 4 1993

FCC - MAIL ROOM

November 2, 1993

William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street N.W.  
Room 222  
Washington, D.C. 20554

Re: Cross City, Florida  
WDFL-FM  
MM Docket No. 92-200, RM-8018

Dear Mr. Caton:

Dickerson Broadcasting, Inc. hereby transmits an original and 14 copies of our Petition to Dismiss and Return in the above-captioned proceeding.

Also enclosed is an extra copy marked "Date Stamp". Please date stamp this copy and return in the self addressed, stamped return envelope.

If there are any questions, please contact me directly.

Sincerely yours,

A handwritten signature in cursive script, reading 'Benjamin F. Dickerson'.

Benjamin F. Dickerson  
President  
Dickerson Broadcasting, Inc.

Enclosures (16)

No. of Copies rec'd  
List ABCDE

0414

DOCKET FILE COPY ORIGINAL RECEIVED

NOV 4 1993

FCC - MAIL ROOM

BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C.

In the Matter of )  
 )  
Amendment of Rule 73.202(b) ) MM Docket No. 92-200  
Table of Allotments ) RM-8018  
FM Broadcast Stations )  
Bronson and Cross City, FL )

TO: Mr. William F. Caton  
Acting Secretary

PETITION TO DISMISS AND RETURN

BACKGROUND

Dickerson Broadcasting, Inc. ("Dickerson") is the licensee of WEAG AM and FM, Starke, Florida. On the afternoon of October 20, 1993, Benjamin F. Dickerson, President of Dickerson visited the office of Women in Florida Broadcasting, Inc. ("Women") to review pending applications in the Public File which were filed by Women with the Commission to determine their impact, if any, upon Dickerson and to file a response with the Commission, if necessary.

Women had filed a Petition for Rule Making in 1987 that was associated with Docket No. 87-455 that led to a Channel 295C1 allotment. This proposed station was never built.

On June 12, 1992 Women filed a Petition for Rule Making to amend the FM Table of Allotments by re-allotting Channel 295C1 from Cross City, Florida to Bronson, Florida, and to modify the authorization of WDFL-FM, Cross City, Florida, to specify Bronson, Florida, as its new community of license.

### INFORMATION

A. There was nothing in Women's File with reference to a community of license change. Dickerson expected to see proof of publication per 73.3580(c)(3) regarding this proposed community of license change, however such proof was absent. The Dixie County Advocate, Cross City Florida's local weekly newspaper checked their legal notices for that period, and the search indicated nothing was published by Women.

B. Dickerson had Data Communications Company research Docket No. 92-200 and the only opposition filed to this petition was from Sarasota-FM, Inc. and Gator Broadcasting Corporation and Greg Strickland of Miami, Florida, a city 365 miles distant from Cross City. Not one person from the Cross City area filed comments with reference to losing their only local FM radio service.

C. If this community of license change is approved, Cross City and Dixie County will be left 1 AM radio service that according to the latest County Survey Report is not listed and 100% of Dixie County's radio listening is to FM radio stations.

D. Bronson is the county seat of Levy County. Levy County already has 6 FM radio services and 1 AM radio service.

Chiefland	WTBH-FM	
Chiefland	WLQH-FM	Chiefland WLQH-AM
Williston	WFEZ-FM	
Cedar Key	WVNM-FM (CP)	
Inglis	WAVQ-FM (CP)	
Yankeetown	W----FM (4 pending applications for CP)	

E. Women made no commitment as to how long they would continue to own and operate WDFL-AM if their community of license change were to be approved.

F. James M. Johnson, of James M. Johnson & Associates, Broadcast Consultants does not identify himself as James M. Johnson, Vice President of Women. Mr. Johnson of Women is involved in a daisy chain between Women and other stations. Also, Mr. Johnson is a major owner of 2 other Channel 292 (106.3) stations in Florida that may both be possibly involved in another daisy chain.

G. The most current engineering filing in Women's Public File was filed in November, 1989 and was an Application for Construction Permit. It specified:

Channel	295C1
Power	100KW
Radiation HAAT	299Meters
Coordinates	29-28-24
	83-00-50
13 Miles South of	Cross City
Above Ground	1024Feet
Above MSL	1043Feet
FAA Approval was	obtained

This filing is not the most current filing presently before the Commission for approval.

Dickerson learned a Minor Amendment to BPH-8911291B was filed with the Commission on March 30, 1993. This application was not in the public file.

## DISCUSSION

A. At Bronson's current rate of growth, 22 persons from 1980-90 and Cross Citys decrease of 113 persons from 1980-90, it would take 86 years for their respective populations to equalize, at current rates. However, there is evidence the population of Cross City will increase due to its strategic location along United States Highways 19 and 98. Bronson does not have major highways and traffic flow like Cross City and will probably grow at the same slow rate, i.e.: 22 persons from 1980-90. While Levy County is expected to grow at 21% over the ten year period from 1990 to 2000, it certainly appears to have adequate radio services; 6 FM radio services and 1 AM radio service. Currently 1 radio station for every 3,703 persons.

B. There is no compelling reason to change the community of license from Cross City to Bronson. With Commission approval, Women's legacy to Cross City would be 1 AM radio station with no measureable audience in a county where 100% of radio listening is to FM radio services.

C. Upon reviewing Women's Minor Amendment to BPH-891129IB, filed March 29, 1993, and its' proposed rule making, RM No. 8018, it is obvious Women is attempting, through a series of Minor Changes to relocate to the Gainesville, Florida Metro. Having Bronson as their community of license, and Gilchrist County being contiguous to Alachua County (Gainesville) would reduce travel from their Gainesville studio location to their Public File location in Bronson and simplify their operations. This is quite simply, another move-in.

D. If Women had published a public notice per 73.3580(c)(3), Dickerson is positive at least one person from the Cross City area would have commented on such an important issue as losing their only local FM radio service.

#### CONCLUSION

This community of license change is simply not in the public interest, need and convenience. Womens inability to follow the Commissions' rules with regard to its' Public File requirements, including publishing of their intended community of license change along with not having available their most recent engineering filing demonstrate their desire to operate under concealment and the issue of candidness is now before the Commission. Quite simply, this change should be dismissed and returned to Women by the Commission.

Respectfully submitted,



Benjamin F. Dickerson  
President  
Dickerson Broadcasting, Inc.

November 2, 1993  
Date

CERTIFICATE OF SERVICE

I, Benjamin F. Dickerson, do hereby certify that I have on this 2nd day of November, 1993, mailed by first class United States mail, postage prepaid, copies of the foregoing "PETITION TO DISMISS AND RETURN" to the following:

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street N. W.  
Room 222  
Washington, D.C. 20554

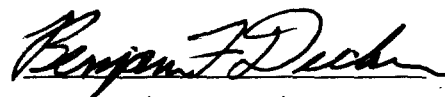
John M. Spencer, Esq.  
Leibowitz & Spencer  
One S. E. Third Avenue  
Suite 1450  
Miami, FL 33131  
Counsel for Women in Florida Broadcasting, Inc.

Robert J. Rini, Esq.  
Rini & Coran, P. C.  
Dupont Circle Building  
1350 Connecticut Avenue, N.W.  
Suite 900  
Washington, D.C. 20036  
Counsel for Women in Florida Broadcasting, Inc.

David G. O'Neil, Esq.  
Haley Bader & Potts  
4350 N. Fairfax Drive, Suite 900  
Arlington, Virginia 22203  
Counsel for Sarasota-FM, Inc.

David D. Oxenford, Jr., Esq.  
Fisher Wayland et al.  
1255 23rd St., N.W., Suite 800  
Washington, D.C. 20037  
Counsel for Gator Broadcasting Corporation

Mr. Greg Strickland  
20730 N.E. Fourth Place, #204  
Miami, FL 33179

  
Benjamin F. Dickerson